

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HERTMUT GRAEWE,	:	Case No. 4:15-CV-2002
	:	
Petitioner,	:	(Judge Brann)
	:	
v.	:	
	:	
WARDEN S. SPAULDING,	:	
	:	(Magistrate Judge Schwab)
	:	
Respondent.	:	

ORDER

December 16, 2016

BACKGROUND:

On October 15, 2015, Petitioner, Hertmut Graewe, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. On September 7, 2016 Magistrate Judge Susan E. Schwab, to whom the petition is jointly assigned, issued a report and recommendation recommending that the petition be denied.¹ Petitioner filed objections² to the report and recommendation, and the respondent filed a response to those objections.³

¹ECF NO. 21.

²ECF Nos. 22 and 24.

³ECF No. 23.

For portions of the report and recommendation to which no objection is made, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."⁴ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁵

Petitioner's objections raise identical arguments as he did in his initial briefs that were the subject of the instant report and recommendation from Magistrate Judge Schwab. The Court has thoroughly reviewed the report and recommendation and has satisfied itself that there is no clear error. For the sake of judicial economy, the undersigned will not rehash the sound reasoning of the Magistrate Judge. The report and recommendation is adopted in full. ECF No. 21.

IT IS HEREBY ORDERED THAT:

1. The Petition for Writ of Habeas Corpus is DENIED. October 15, 2015, ECF No. 1.

⁴Fed.R.Civ.P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

⁵28 U.S.C. § 636(b)(1); Local Rule 72.31.

2. The Report and Recommendation of the Magistrate Judge is ADOPTED in full. September 7, 2016, ECF No. 21.
3. Petitioner's other motions are DENIED. ECF Nos. 18, 19, and 20.
4. There is no basis for the issuance of a certificate of appealability.
5. The Clerk is directed to close the case file.

BY THE COURT:

/s Matthew W. Brann
Matthew W. Brann
United States District Judge